

FILED - GR

June 7, 2013 11:11 AM

TRACEY CORDES, CLERK

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: LEP / SCANNED BY: LEP / 67

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF MICHIGAN
 SOUTHERN DIVISION

Thomas Mitchell Rotta

Plaintiff(s),

Case No. 1:12-cv-973

v.

Hon. Gordon J. Quist

John E. Shay, et. al.

Defendant(s).

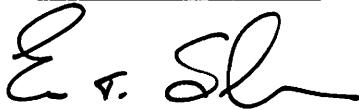
CASE EVALUATION

The evaluation panel unanimously non-unanimously finds, inclusive of all attorney fees and costs, in favor of:

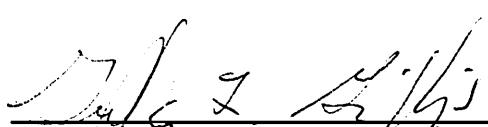
Plaintiff in the amount of \$15,000.

Although not part of our award, the panel suggests that the parties discuss and attempt to reach agreement on the City's Workplace Safety Policy.

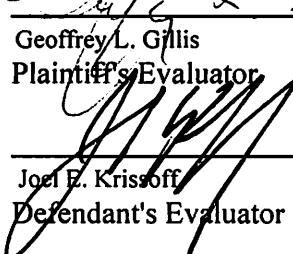
Date: May 6, 2013



Lee T. Silver
 Neutral Evaluator/Chairperson



Geoffrey L. Gillis
 Plaintiff's Evaluator



Joel E. Krisoff
 Defendant's Evaluator

A copy of this CASE EVALUATION AWARD was served on all counsel of record on May 6, 2013.

NOTE: Each party must file with the ADR Administrator a written acceptance or rejection of the panel's evaluation within 28 days after service of the panel's evaluation. If there are separate awards on multiple claims, each party must either accept or reject the evaluation in its entirety as to each opposing party. The failure to file a written acceptance or rejection within 28 days constitutes rejection.

THIS FORM IS NOT TO BE E-FILED



Silver & Van Essen
P.C.
Litigation & Counseling

300 OTTAWA AVENUE N.W., SUITE 620
GRAND RAPIDS, MICHIGAN 49503
616-988-5600
FAX 616-988-5606

May 7, 2013

Ms. Lauren Packard
ADR Administrator
US District Court
Western District of Michigan
110 Michigan Street N.W.
Grand Rapids, MI 49503

Re: Thomas Mitchell Rotta v John E. Shay, et al
Case Number: 1:12-cv-973

Dear Lauren:

The case evaluation hearing in the above-referenced matter was held on Monday, May 6, 2013. I have attached the case evaluation award signed by each member of the panel. A copy of the award was given to counsel for both sides immediately following the case evaluation hearing.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

SILVER & VAN ESEN, P.C.

A handwritten signature in black ink, appearing to read 'Lee T. Silver'.

Lee T. Silver

LTS:ggp
Enclosure

cc w/o enclosure:

Mr. J. Nicholas Bostic
Mr. Allan C. Vander Laan
Mr. Joel E. Krissoff
Mr. Geoffrey L. Gillis

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGANOFFICE OF THE CLERK
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Grand Rapids, MI 49503
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(269) 337-5706113 Federal Bldg.
315 W. Allegan St.
Lansing, MI 48933
(517) 377-1559229 Federal Bldg.
202 W. Washington St.
Marquette, MI 49855
(906) 226-2021

DATE: May 9, 2013

TO: J. Nicholas Bostic
Allan C. Vander Laan & Andrew James Brege

FROM: Lauren Packard, ADR Administrator

RE: Case No. 1:12-cv-00973
Case Name: Rotta v. Shay et al
Judge: Gordon J. Quist ST

CASE EVALUATION

(X) The Case Evaluation has been received. The twenty-eight (28) day response period expires on June 6, 2013.

(X) Please indicate your response:

Plaintiff(s)

 Accept(s)

() Reject(s)

Defendant(s)

() Accept(s)

() Reject(s)



Counsel for: Plaintiff

Pursuant to W.D. Mich. LcivR 16.5, failure of a party to file a response within twenty-eight (28) days constitutes a rejection.

Please forward your response directly to: U.S. District Court, ADR Dept, 399 Federal Building, 110 Michigan St., NW, Grand Rapids, MI 49503.

Enc.

cc: File

FORM 3 (Rev. 4/20/09)

BOSTIC & ASSOCIATES

Attorneys at Law

J. Nicholas Bostic*
Senior Litigation Attorney
Michelle A. Bostic†
Associate Attorney

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Pamela J. Bostic
Legal Secretary
Danette K. Axel
Secretary

May 29, 2013

U.S. District Court
ADR Department
110 Michigan St NW – Room 399
Grand Rapids MI 49503

RE: Rotta v. Shay, 1:12-CV-973

Dear Ms. Packard,

Enclosed you will find Plaintiff's acceptance of the case evaluation award in the above captioned matter. Please process this document at your earliest convenience.

Mr. Vander Laan has informed me that he will present the matter to the Ludington City Council on May 29, 2013. If they accept, he and I will immediately begin working on the resolution documents to close out the case.

If you have any questions concerning our acceptance, please feel free to contact me.

Sincerely,



J. Nicholas Bostic
Attorney at Law

JNB/pjb

Enc.

CC: Thomas Rotta

Admitted to Practice

All Michigan Courts-state and federal

†Saginaw-Chippewa Tribal Court of Michigan

*United States Supreme Court · U.S. Court of Appeals-6th and 9th Circuits



ATTORNEYS AND COUNSELORS AT LAW
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Allan C. Vander Laan
avanderlaan@cmda-law.com

May 30, 2013

ADR Clerk
U.S. District Court
Western District of Michigan
Federal Building
110 Michigan, N.W.
Grand Rapids MI 49503

RE: Rotta v John E. Shay, et al.
Court File No : 1:12-cv-973
Our File No : 102112

Dear ADR Clerk:

Defendants, John E. Shay and City of Ludington, accept the Case Evaluation award in the above matter.

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.



Allan C. Vander Laan

ACV/kjm

Enclosure